

REMARKS

Claim 1 calls for "monitoring to detect if the first application crashes while receiving the video stream." Nothing of the sort is set forth in Semenzato. The material at column 8, lines 17-21, column 9, lines 12-20, and column 10, lines 5-8 may support the proposition that the "plug-in body 114b saves and persistent memory and data in which the plug-in body 114b may invoke in subsequent invocations," but this does not meet the claimed limitation of monitoring to detect a crash, unless crash is defined in an extremely abnormal way. It is well established that a "crash" means that something stops working. To suggest that any time "there is an issue" that is a crash is to stretch the webepedia definition beyond its intent and, certainly, to turn the definition of "crash" on its ear. It is as if someone stops their car at the gas station because the car is overheating and they walk up to the mechanic and tell him "I had a crash." Simply because messages are provided to and from the body 114b does not mean that there is a detection if a first application that is handling video crashed. Thus, not only does Semenzato fail to teach shutting down a television tuner card when a crash is detected, Semenzato never has anything to do with a crash and never detects if the first application crashes while receiving the video stream. Therefore, he also does not teach if the first application crashes, maintaining access to the video stream for a second application through the video card.

The pertinency of Hollinger is very difficult to understand. It is suggested that it would be obvious to modify Semenzato to include a video capture board and tuner card "so that a user may access the competitiveness of different broadcasters in the area and review the programs at the time of user's own choosing." What bearing this has on the claims is never explained. It certainly does not teach monitoring to detect if the first application crashes and it does not teach if the first application crashes, maintaining access to a video stream for a second application through the video server. Moreover, it has nothing to do with shutting down a television tuner card when a crash is detected. Thus, the combination of Semenzato and Hollinger fails to teach anything set forth in the claims.

With respect to Safadi, it is suggested that "if a background check fails, the computing devices are shutdown in order to prohibit unauthorized access of content." But nothing of the sort is claimed. What is claimed is monitoring to detect if one application crashes while receiving a video stream and if it crashes, maintaining access to the video stream for a second

application through a video server. Neither of these elements are shown in any of the three cited references.

Moreover, shutting down to prevent unauthorized access does not teach shutting down a television tuner card when a crash is detected. First of all, the failure to pass a background check does not amount to a crash. Moreover, shutting down the computer in response to a background check does not teach shutting down a television tuner card when a crash is detected of an application. Thus, Safadi fails to remedy any of the defects inherent in the prior two cited references.

Therefore, reconsideration would be appropriate.

Claim 21 calls for an article storing instructions to connect an application to video services to a television server using a window which is operated in a separate address space from the application. This limitation is never even addressed in the office action and, therefore, a *prima facie* rejection is not made out. The office action, on page 13, third paragraph, states that "the combination of Semenzato, Safadi, and Hollinger does not disclose shutting down a video stack when a crash is detected." Since this element is also set forth in corrected form in claims 1 and 13, which are rejected only on those references, the office action admits that a *prima facie* rejection is not made out with respect to these claims.

With respect to claim 21 though, no reference is cited as teaching "using a window which is operated in a separate address space from the application." Since the element is not even addressed, the rejection cannot be maintained.

The same element is in claim 25. It is suggested that the element is taught in Semenzato in Figures 2C and 3 and column 6, lines 43-64. Nothing pertinent appears in Figures 2C or 3 with respect to connect an application needing video service to a television server using a window which operates in a separate address space from the application needing the video services. Nothing in the material in column 6 has anything to do with establishing such a window.

For this reason, and the fact that none of the references teach monitoring to determine if the application crashes while receiving a video stream and when the application crashes or automatically shut down a video stack in the video capture card, reconsideration is called for. The claim is specific that a video stack and a tuner card are shutdown. The claim does not suggest that the whole computer system is shutdown. Nothing teaches shutting down the video stack and the use of a tuner card. Safadi has nothing to do with a video stack or a tuner card and,

just because a periodic background check fails and the computer is shutdown, teaches nothing relevant to the claimed invention since there is no video stack.

Bopardikar has nothing to do with a video stack or shutting down a video stack and a video tuner card. Basically, it relates to a video storage system which would not have either of these items. Neither of them are even mentioned in any of the cited material. Plainly, a *prima facie* rejection is in no way made out.

Because Bopardikar detects a disk failure, this is suggested that somehow it teaches something relevant to the claimed invention, which is never explained. Nowhere is any rationale to modify Bopardikar to apply to handling the crashing of an application needing video services. Again, no *prima facie* rejection is presented.

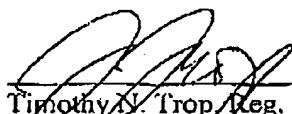
On the same basis, the rejection of claim 28, based on Semenzato and Bopardikar, should be reconsidered. There is no request for video from a first application or initializing a video stream using a video server or, if an application crashes, directing access to the video stream for a second application through the video server and directing the server to release the stack. There is no video stack in Bopardikar or any video server. There is no crash in Semenzato and there is nothing relevant in Semenzato. Bopardikar has nothing to do with the video stack, never even mentions the same, and is utterly irrelevant to the claimed invention. Moreover, no rationale to modify Bopardikar to apply Bopardikar to the claimed field is ever attempted. Therefore, a *prima facie* rejection is not made out.

Claim 32 *inter alia* calls for operating a first window in an application for accessing the television server and a second window in the server for accessing a video stack, in addition to other limitations already discussed.

Since the office action omits any reference to this limitation, a *prima facie* rejection is not made out.

Therefore, reconsideration would be appropriate.

Respectfully submitted,



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Timothy N. Trop, Reg. No. 28,994
TROP, PRUNER & HU, P.C.
1616 South Voss Road, Suite 750
Houston, TX 77057-2631
713/468-8880 [Phone]
713/468-8883 [Fax]

Attorneys for Intel Corporation